

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CASEY CRONIN,

Plaintiff,

Case No. 6:17-cv-00998-JR

**TEMPORARY
RESTRAINING ORDER**

vs.

NATIONSTAR MORTGAGE LLC; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;
and QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON,

Defendants.

AIKEN, District Judge:

Before me is plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. Plaintiff's home, located at 2750 La Darrah Street in Eugene, Oregon, was sold at auction to defendant Federal National Mortgage Association following a non-judicial foreclosure. In this lawsuit, plaintiff contends that the foreclosure and sale went forward in violation of her rights under various federal and state laws. Plaintiff, who continues to reside in the home, alleges that defendant Federal National Mortgage Association has posted a notice to quit and of its intent to proceed with a forcible entry and detainer eviction proceeding. She seeks

to restrain defendants from removing her from her home and selling it to a third party during the pendency of this action.

Pursuant to Fed. R. Civ. P. 65(b) and upon review of the Complaint and supporting memorandum and exhibits, I find that plaintiff has raised serious questions with respect to the merits of her claims, particularly with respect to defendants' compliance with the Equal Credit Opportunity Act, 15 U.S.C. §§ 1691 *et seq.* and the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* I further find that plaintiff likely will suffer irreparable harm if she is forcibly evicted from the home and the property is sold to a third-party purchaser, and that the balance of hardships tips in plaintiff's favor, given that defendants will have the opportunity to establish the legality of the foreclosure and sale in this action. I further find that the underlying legal issues cannot be resolved before the eviction is scheduled to occur and that the issuance of the temporary restraining order is in the public interest. Finally, no security shall be required to support issuance of this order pursuant to Fed. R. Civ. P. 65(c).

Accordingly, IT IS HEREBY ORDERED that plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (doc. 24) is GRANTED IN PART and a temporary restraining order is hereby entered. Pursuant to Fed. R. Civ. P. 65(d), defendants, their officers, agents, employees, attorneys, and other persons in active concert or participation with defendants, are RESTRAINED and ENJOINED from taking any action to evict or otherwise remove plaintiff from the property located at 2750 La Darrah Street in Eugene, Oregon.

According to plaintiff's counsel's Local Rule 7-1(a) certification, defendants have declined to take a position on plaintiff's motion. Based on the findings above and in the absence of any response from defendants, I am inclined to extend the restraining order, as a preliminary injunction, until such time as this action is resolved. If defendants object to extension of the

restraining order beyond the 14-day time limit under Fed. R. Civ. P. 65(b)(2), defendants shall inform the Court and a telephonic hearing shall be scheduled to show cause why the restraining order should not continue during the pendency of this action.

IT IS SO ORDERED.

Dated this 24 day of October 2017.

A handwritten signature in cursive script, appearing to read "Ann Aiken", is written above a horizontal line.

Ann Aiken
United States District Judge